

## **California Tribal Court/State Court Forum**

Conference Call

July 28, 2010

12:00 p.m. to 1:00 p.m.

*Present:* Hon. Abby Abinanti, Hon. Charles Henry, Mr. Olin Jones, Hon. William Kockenmeister, Hon. Lester Marston, Hon. Robert Moeller, Hon. Dennis M. Perluss, Hon. Steven Z. Perren, Hon. Deborah A. Ryan, Hon. Dean Stout, Hon. Juan Ulloa, and Hon. Christine Williams.

*Judge-In-Residence:* Hon. Leonard P. Edwards

*Committee Counsel:* Ms. Jennifer Walter

*Staff:* Ms. Vida Castaneda, Mr. Arturo Castro, Ms. Donna Clay-Conti, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Courtney Tucker.

### **Welcome and Introductions**

On behalf of the cochairs, Jennifer Walter welcomed the Forum members. After everyone introduced themselves, Ms. Walter reviewed the agenda topics and the following meeting goals: (1) to discuss the draft charge and scope of work; (2) to brainstorm principles and values to guide Forum work; and (3) to develop a communication plan to ensure Forum activities and actions are transparent.

### **Proposed Charge and Scope of Work**

Ms. Walter introduced the agenda item by informing members that Justice Steven Z. Perren had emailed a proposal to revise the Forum's charge, which was endorsed by Justice Huffman. Justice Perren presented his proposal to revise the draft proposed charge, which had been circulated to members at the meeting on June 29, 2010 and again in advance of this conference call. Members reviewed the draft document, discussed tweaking the scope of work section, and unanimously agreed to the proposed revisions to the Forum's charge.

**Action Item:** Members agreed staff would revise the document, recirculate it for any additional revisions and then finalize the document at its next conference call meeting on August 25, 2010.

### **Principles and Values**

Forum members presented their views on the underlying principles and values that should guide the Forum's work. Many of the forum members identified principles and values that related to the following themes: (1) the importance of having an historical perspective and recognition of how that history impacts tribal and state relationships; (2) principles of sovereignty; (3) citizenship rights and the shared responsibilities of tribal and state court systems to meet the needs of citizens; (4) ways in which tribal and state court systems are fundamentally the same, yet different; (5) promoting mutual trust and respect necessarily means education; and (6) the importance of consensus-building and reaching mutually acceptable solutions.

While there was little time to discuss principles and values in much detail, it was notable that members echoed each other's principles and values. After all members had an opportunity share their principles and values, it was agreed that Ms. Walter would draft a document reflecting the discussion.

**Action Item:** Members agreed staff would draft proposed principles and values, circulate the document for feedback and then finalize the document at its next conference call meeting on August 25, 2010.

### **Communication Plan**

Ms. Walter introduced the topic and proposed a plan to keep Tribes (both federally recognized and nonfederally recognized), tribal courts (both those represented on the Forum and those without a forum member), state courts, and law enforcement apprised of the Forum's work. One member identified the need to provide background information when reporting on Forum activities as per the plan so that recipients would have some context to make sense of it. One member recommended that the plan reference media outreach. After some discussion, there was general consensus to develop such a plan, and agreement that Ms. Walter would draft a document reflecting the points made.

**Action Item:** Members agreed staff would draft a proposed communication plan, circulate the document for feedback and then finalize the document at its next conference call meeting on August 25, 2010.

### **Other Items**

Ms. Walter asked if there were additional items members wished to raise before the end of the meeting, and in keeping with the principle of sharing resources, two members reported on federal legislation.

Judge Lester J. Marston announced the recent passage of the Tribal Law and Order Act, landmark legislation signed into law July 29, 2010, addressing public safety issues in Indian Country, enhancing the criminal justice system by improving coordination and communication between federal, state, local and tribal law enforcement agencies, and reauthorizing critical tribal justice programs. Judge Marston offered to make available an analysis of the legislation that his firm is preparing. (To view the legislation, see [Tribal Law and Order Act of 2010](#).)

Judge Leonard P. Edwards announced the Fostering Connections for Success and Increasing Adoptions Act (Public Law 110-351), which was signed into law in October 2008. Hailed as the most significant federal legislation for foster youth in more than a decade, the Fostering Connections to Success Act authorizes Indian Tribes to directly access federal Title IV-E funds to administer their own foster care or adoption assistance programs and offers new federal supports to Tribes and protections for American Indian children. Effective October 2009, subject to the Department of Health and Human Services (HHS) approval, Indian Tribes or Tribal consortia can directly operate Title IV-E programs. Tribes are now also eligible to receive direct allocations of federal funds from the John H. Chafee Foster Care Independence Program. The Act allows states and Tribes to continue to operate or create Tribal/state agreements to administer their own IV-E programs. In addition, the Act requires HHS to provide technical

assistance and implementation services to Tribes seeking to operate Title IV-B and IV-E programs or enter into cooperative agreements with States under the new provisions of the Act. Finally, HHS is authorized to make one-time grants of up to \$300,000 to Tribes that apply for funding to assist in developing a Title IV-E plan to implement a Title IV-E program directly. (To view the legislation, see [Fostering Connections for Success](#).)

**Action Item:** Staff will send copies of both pieces of federal legislation and provide a short description of the legislation within the meeting notes. Judge Marston will send the Tribal Law and Order Act analysis to Ms. Walter, who will forward it to all Forum members.

### **Adjourned**

On behalf of the cochairs, Judge Blake and Justice Huffman, Ms. Walter thanked members for their participation.

### **Next Meeting: August 25, 2010**

Please use land lines when participating in future conference calls. Unfortunately, as we discovered during this conference call, the use of cell phones creates interference and difficulty hearing.